

Order

Michigan Supreme Court
Lansing, Michigan

September 29, 2006

Clifford W. Taylor,
Chief Justice

130914

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

ROGER ROMANS,
Plaintiff-Appellee,

v

SC: 130914
COA: 256251
Oakland CC: 03-051714-NO

CHARTER TOWNSHIP OF
HIGHLAND,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the January 19, 2006 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and REINSTATE the order of the Oakland Circuit Court granting summary disposition to the defendant. As this Court explained in *Horace v City of Pontiac*, 456 Mich 744, 757 (1998), "[a] danger of injury caused by the area in front of an entrance or exit is not a danger that is presented by a physical condition of the building itself." In *Fane v Detroit Library Comm*, 465 Mich 68, 78 (2001), this Court held that "in determining whether an item or area outside the four walls of a building is 'of a public building,' the courts should consider whether the item or area where the injury occurred is physically connected to and not intended to be removed from the building." Here, the alleged defect is the lack of a physical connection between the sidewalk and the covered entryway; thus, the area complained of is not physically connected to the building. Accordingly, the trial court correctly concluded that the gap between the sidewalk and the entryway is not a defect "of the public building."

CAVANAGH and KELLY, JJ., would deny leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 29, 2006

Corbin R. Davis

Clerk